



STATE OF CONNECTICUT DEPARTMENT OF TRANSPORTATION



**2800 BERLIN TURNPIKE, P.O. BOX 317546
NEWINGTON, CONNECTICUT 06131-7546**

**Public Hearing-February 27, 2023
Transportation Committee**

**Testimony Submitted by Commissioner Garrett Eucalitto
Department of Transportation**

H.B. 6744 - AN ACT CONCERNING TREE REMOVAL AND VEGETATION MANAGEMENT BY THE DEPARTMENT OF TRANSPORTATION.

The Connecticut Department of Transportation (CTDOT) respectfully offers the following comments regarding H.B. 6744, An Act Concerning Tree Removal and Vegetation Management by the Department of Transportation.

CTDOT is responsible for the maintenance of all state-owned roads and highways in Connecticut and it is the Department's primary mission is to keep the infrastructure safe for all users and efficient for the movement of people, goods and commerce. CTDOT believes it is the intent of the proposed bill to address tree removals completed by maintenance crews on state highways, as the Department follows a different set of guidelines and protocols for construction projects. It is the Department's duty to prune, remove or trim dead, dying, decaying, hazardous, or otherwise compromised trees and vegetation in the state-owned right-of-way. Vegetation management is a critical safety issue, as CTDOT strives to prevent collisions between motorists, trees, and wildlife.

CTDOT's Bureau of Highway Operations currently has guidelines in place for vegetation management. In 2018, CTDOT implemented the "[CTDOT] Vegetation Management Guidelines". These were then revised and updated again in 2021 and are available on CTDOT's website. Vegetation management is routine and typically a day-to-day activity for our Operations and Maintenance personnel. Following Tropical Storm Irene, Superstorm Sandy and the 2011 October Snowstorm, then-Governor Malloy established a 'Two Storm Panel' charged with assessing the State's response to these devastating storms and how the State can better prepare for future disasters. The Two Storm Panel recommended that a State Vegetation Management Task Force be established and create guidelines regarding roadside vegetation. CTDOT played an integral role in that Task Force.

The Two Storm Panel report recommended increasing CTDOT's Tree Maintenance Budget for trimming and removing dead, dying and structurally impaired trees at an accelerated rate. Generally, trees removed by CTDOT have been positively identified as a potential hazard to the traveling public. Removals also include trees and brush that obscure sightlines or have the potential to fall on state roadways. Throughout and following both minor and major storms, the highway system must remain open and allow for unobstructed movement of emergency services, utility companies, contractors and the traveling public. Recently, on December 23, 2022, a minor wind event (which was not considered a major storm) occurred where wind gusts reached 45-50 mph across the state. This resulted in 59 state road closures due to fallen trees and at least 161 tree complaints.

Regarding the proposal to include provisions for storm water run-off and erosion in the guidelines, CTDOT offers that these aspects are currently addressed in other review processes, directives and policies within the Department. Tree cutting operations are performed utilizing best practices such as leaving stumps on embankments (cutting stumps flush where necessary in clear zones) and utilizing equipment that does not leave the roadway whenever possible in order to avoid and minimize ground disturbance. Maintenance activities are also reviewed by environmental specialists for possible impacts to water and natural resources as well as compliance with proper erosion and sedimentation control during work activities that result in ground disturbance. CTDOT is amenable to adding this information in the next update to the Vegetation Management Guidelines and producing a fact sheet for distribution to contractors performing this work. The Department is regularly evaluating new equipment, methodologies, and practices that could positively impact these operations, contribute to the protection of the affected environment, and improve the safety and efficiency of this work.

The American Association of State Highway and Transportation Officials “Guidelines for Vegetation Management” published in 2011 consider a tree with a trunk greater than 4” in diameter as a hazardous fixed object. CTDOT removes trees and brush, both healthy and unhealthy, that exist within the state roadway’s “clear zone,” which is an unobstructed area beyond the edge of the roadway that provides an unencumbered, impact-free buffer or clear area for a driver to stop safely or regain control of an errant vehicle that unintentionally left the roadway travel surface. AASHTO’s recommendations for a clear zone on major highways with design speeds of 60 miles per hour for a flat, level terrain on a straight section of highway with an average daily traffic of 6,000 vehicles is 30 to 32 feet. For areas with horizontal curves, the clear zone distance can be increased by up to 50 percent. Clear zone establishment for CTDOT is limited by topography and narrow property rights along many of our roadways. Within the areas where roadside tree removals have been conducted, the Department of Energy and Environmental Protection (DEEP) data shows there has been a reduction of deer/vehicle strikes. UConn crash data repository data also shows that tree/vehicle collisions have decreased on our multi-lane roads.

Section 2 requires CTDOT to have a certified arborist employed by CTDOT or DEEP to review and approve the removal of any tree. Currently, CTDOT tree removal operations are typically executed within a particular area or site that often includes numerous trees. CTDOT suggests the wording of this section to instead be by site instead of by individual tree and we believe a DEEP arborist is unnecessary. CTDOT employs Landscape Designers in each of the state’s four districts who report to a state-licensed arborist. These employees are experienced in identifying compromised and hazardous vegetation and establishing vegetation management priorities along Connecticut state roadways. All dedicated tree crews are required to attend annual training, provided by a contracted, certified arboricultural training service provider. Currently 4 of CTDOT’s Landscape Designers have completed Tree Warden School and 2 are state-licensed arborists, with plans to support further training and arborist licensing for additional employees.

While CTDOT understands the disruption that tree clearing can cause abutting property owners, we have concerns with section 2 of the bill which would require CTDOT to notify stakeholders 28 days prior to removal. CTDOT currently notifies the local Department of Public Works (or equivalent) and abutting property owners if the proposed removal is directly adjacent to that owner’s property line of upcoming tree clearing operations. Currently, tree clearing operations that require a lane closure are also posted on CTDOT’s website. We are committed to continually notifying appropriate stakeholders and participating in public engagement. We want to work with the Committee and municipalities on the initiative of this section to still allow CTDOT to continue to complete essential tree work that would not delay removing trees from clear zones that could result in a fatality or serious injury.

Removal of overhead trees and roadside vegetation also increases sunlight onto road surfaces which, in turn, minimizes the buildup of ice and promotes melting. This increase in road surface temperatures is beneficial for improved winter road conditions, equipment costs and reduces the amount of winter deicing materials used.

While CTDOT can provide a close estimate of funds expended for vegetation management conducted during the previous fiscal year, these numbers may not account for some purchase orders that remain open or are rolled over from year to year.

CTDOT continues to be committed to the safety of the motoring public and the efficiency of our transportation network. At the same time, the Department understands the aesthetic and environmental value of healthy vegetation and trees. As such, the Department will continue to make reasonable efforts to preserve trees and aesthetic appeal to the extent that safety and efficiency concerns are not compromised.

In regard to construction projects, tree clearing is limited to those areas necessary to accommodate the project improvements, as well as access and staging areas required for construction. Public outreach and engagement is conducted in accordance with our federally-approved Public Involvement Procedures (PIP). Plans and specifications for projects are reviewed by CTDOT's Office of Environmental Planning as well as coordinated with a team of professional Landscape Designers. Plans include details regarding replanting which are designed by Landscape Architects, and all projects are reviewed for conformance with CTDEEP's Stormwater Quality Manual and Soil Erosion & Sedimentation Control Guidelines. Inspections for compliance with all necessary permits as well as erosion and sedimentation control and stormwater are performed by CTDOT's Office of Environmental Planning during construction. CTDOT requests clarification that this proposed bill not apply to capital projects and would be pleased to share additional details that explain that process.

We look forward to working with the Transportation Committee and the entire General Assembly on sharing additional information on CTDOT's Vegetation Management Plan.

For further information or questions, please contact Anne Kleza (anne.kleza@ct.gov) at the Department of Transportation at (860) 594-3013.